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FILED
HARRISBURG, PA

FEB 19 2003

MARY E. D'ANDREA, CLERK
per

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

AMANDA BARGE and
ARTHUR BARGE,

Plaintiffs

v.

DAVID J. SALINGER, M.D.;
WILLIAM YING, Ph.D.;
KEYSTONE ONCOLOGY, LLC d/b/a
HERITAGE HILLS ONCOLOGY CTR.;
COMPREHENSIVE PHYSICS AND
REGULATORY SERVICE, LTD. and
EQUIMED, INCORPORATED,

Defendants

CASE NUMBER: 1:00-CV-1881

Judge Rambo

JURY TRIAL DEMANDED

**PROPOSED JURY INSTRUCTIONS OF
DEFENDANTS WILLIAM YING, Ph.D. AND
COMPREHENSIVE PHYSICS AND REGULATORY SERVICES**

Amanda Barge
3100 Coachman Way
Manchester, MD

Arthur Barge
3100 Coachman Way
Manchester, MD

Abdurrahman Unal, M.D.
775 S. Arlington Ave.
Harrisburg, PA

William Walker, Ph.D.
Comprehensive Physics and Regulatory Services
Seven Points, MD

Dr. Donald Velkley

Stephen Siebert, M.D.

Walter J. Curran, M.D.

Glenn L. Tonnesen, M.D.

Robert K. Brookland, M.D.

James E. Rodgers, Ph.D.

Indra Das, Ph.D.

Paul N. Manson, M.D.

1(a) For each individual identified above please indicate:

- How do you know this person?
- Length of time?
- Given your familiarity with this person, would you feel more comfortable

sitting on a different jury?

2. Have any of you or your family ever received treatment at the Heritage Hills Cancer Center? The Harrisburg Cancer Center?

- Type of treatment?

-When?

-As a result of that treatment, have you formed any opinions or impressions about the quality of medical care provided at either the Heritage Hills Cancer Center or the Harrisburg Cancer Center?

-Do you agree that those impressions may have an impact on your view of the evidence in this case?

-As a result of those impressions, would you be more comfortable sitting on a different case?

3. Have any of you or your family received treatment from Dr. David Salinger?

- Type of treatment?

-When?

-As a result of that treatment, have you formed any opinions or impressions about the quality of medical care provided by David Salinger?

-Do you agree that those impressions may have an impact on your view of the evidence in this case?

-As a result of those impressions, would you be more comfortable sitting on a different case?

4. Have any of you or your family received treatment from Johns Hopkins University Hospital?

- Type of treatment?

-When?

-As a result of that treatment, have you formed any opinions or impressions about the quality of medical care provided by Johns Hopkins University Hospital?

-Do you agree that those impressions may have an impact on your view of the evidence in this case?

-As a result of those impressions would you be more comfortable sitting on a different case?

5. Have you or any of your family members ever been treated for cancer?

- Type of treatment

-When?

-As a result of that treatment have you formed any opinions or impressions about the nature of cancer treatments?

-Do you agree that those impressions may have an impact on your view of the evidence in this case?

-As a result of those impressions would you be more comfortable sitting on a different case?

6. Have you or any of your family members ever been treated at the Hershey Medical Center?

- Type of treatment?

- By whom?

-When?

-As a result of that treatment have you formed any opinions or impressions about the quality of medical care provided by the Hershey Medical Center?

-Do you agree that those impressions may have an impact on your view of the evidence in this case?

-As a result of those impressions would you be more comfortable sitting on a different case?

7. Is anyone, or has anyone ever been employed by Heritage Hills Cancer Center, Harrisburg Cancer Center, David Salinger or Hershey Medical Center?

-In what capacity?

-Length of service?

-Given your prior employment, would you be more comfortable being assigned to a different case?

8. Is anyone here employed in the health care profession?

-In what way?

-For whom do you work?

- As a result of your employment, have you formed any opinions or impressions that you believe would affect your view of the evidence in this case?

-Would you be more comfortable being assigned to a different case given your involvement with health care?

9. Are any of your family members employed in the health care profession?

-In what way?

-For whom do they work?

-Relationship to you?

-Do you feel that your relationship with a member of the health care profession will make you uncomfortable to sit as a juror in this matter?

10. The Plaintiff, Amanda Barge, in this case is seeking damages for injuries to her lip she claims were caused a result of medical care provided during her cancer treatments. Does the fact that this case involves a claim of medical negligence affect your opinions about the medical care one way or the other?

- In what way are your opinions affected?

-As a result of those opinions would you be more comfortable being assigned to another matter?

11. If the evidence were to establish that Amanda Barge's condition is the result of complications in the administration of radiation treatment and not as the result of the actions of Dr. William Ying or Comprehensive Physics and Regulatory Services, would you be able to return a verdict based upon the evidence and not based upon sympathy for the Plaintiffs?

18. Does anyone believe that because a patient suffers a complication during the course of cancer treatment that something necessarily was done incorrectly and therefore the Plaintiffs are entitled to a recovery of damages?

19. Do any of you know Attorney Lou Close or Richard Oare?

-How?

-Length of time?

- Does your knowledge of Mr. Close or Mr. Oare affect the way in which you may view the evidence that will be presented in this case?

-As a result of your knowledge, would you be more comfortable being assigned to a different case?

20. Do you or any members of your family suffer from cancer?

- Would your knowledge of cancer affect the way in which you may view the evidence as it is presented in this case?

- Would that knowledge make you more comfortable being assigned to a different case?

22. Does anyone feel that because this case involves claims of cosmetic disfigurement that you would naturally feel such sympathy for the plaintiff that you would be more likely to believe that the plaintiff should be awarded damages?

23. Kindly state your date and place of birth.

24. Kindly tell us your residential neighborhood and zip code (not street address)

25. Are you married?

26. Do you have any children? What are their names and ages?

27. What education have you received?

28. What is the name, age and relationship of members your household.

29. What is your occupation and employment history?

30. What is the occupation and employment history of your spouse, children and any other members of your household?

31. Have you ever been involved as a party or a witness in a civil or criminal case?

- Would you please describe your involvement?

-As a result of your prior participation in the judicial process have you formed any opinions about the workings of the courts?

-As a result of those opinions do you believe that you would have difficulty listening to the evidence in this case and deciding the case based upon the facts and law as presented an not based upon your prior experiences?

32. Do you know anyone or does any member of your household have a friendship or association with any person who is affiliated with the courts or the law?

-Who is the person that is affiliated with the courts or the law?

-What relationship do you or the members of your household have with that person?

-Would that relationship have an affect upon the way you may view the evidence in this case?

-As a result of that relationship would you be more comfortable being assigned to a different case?

33. Do you suffer from a physical or mental condition which would affect your ability to sere on a jury?

34. Do you have responsibility to care for an individual who suffers from a physical or mental condition that would affect your ability to serve on a jury?

35. Does anyone believe that just because a lawsuit was filed, that fact alone makes it likely that something was done improperly and therefore the Plaintiffs are entitled to recover damages?

36. If your personal impressions about the law should differ from the instructions that are provided by the Judge, will you be able to follow the instructions and set your personal feelings aside?

38. Do any of you know me, Joseph Ricci, or the members of my firm Farrell & Ricci?

39. Has anyone been involved in a lawsuit of their own?

-Type of case?

- As a result of your participation in the legal system have you formed any opinions about the system?

-What opinions have you formed?

-Would those opinions affect your ability to hear this case and impartially consider the evidence as it is presented?

40. Has anyone here received medical care you felt was unsatisfactory?

-Describe the nature of the care you received.

- Did you assert a claim as a result of the care you received?

-Type of claim?

-Outcome?

-As a result of your experiences, have you formed opinions generally about health care?

-What are the opinions that you have formed?

-Do you believe those opinions could have an impact upon the way you would view the evidence in this case?

-As a result of those opinions would you be more comfortable hearing a different case?

41. Has anyone here had a family member or a member of your household that has received medical care they felt was unsatisfactory?

-Describe the nature of the care they received?

- Did they assert a claim as a result of the care they received?

-Type of claim?

-Outcome?

-As a result of their experiences have you formed opinions generally about health care?

-What are the opinions that you have formed?

-Do you believe those opinions could have an impact upon the way you would view the evidence in this case?

-As a result of those opinions would you be more comfortable hearing a different case?

41. There has been a great deal of press lately about medical malpractice actions. As a result of the press coverage concerning medical malpractice issues has anyone formed any onpions about either the nature or validity of malpractice claims generally or the nature of medical care generally?

-What opinions have you formed?

-As a result of those opinions, do you think that they may affect the way in which you interpret the evidence in this case?

-As a result of those opinions, would you feel more comfortable hearing a different case?

42. Some of the testimony that you will hear may be in the form of videotaped testimony or the reading of a transcript of prior testimony. Does the fact that the

individual witness may not appear live before you make it more difficult for you to consider that witness's testimony as you would any other witness who is here in the court room?

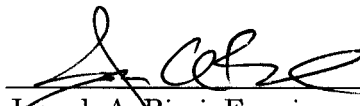
43. It is anticipated that this case will take 4-5 days to complete. Will that pose a hardship for anyone?

44. Is there any reason we have not discussed which you feel would make it difficult for you to listen to the evidence in a fair and impartial manner?

Respectfully submitted,

FARRELL & RICCI, P.C.

Date: 2/19/03



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(717) 230-9201

Counsel for Defendants William Ying, Ph.D. and
Comprehensive Physics and Regulatory Services,
Ltd.


CERTIFICATE OF SERVICE

AND NOW, this 19th day of February, 2003, I, Joseph A. Ricci, Esquire, hereby certify that I served a true and correct copy of the foregoing ***Voir Dire*** upon all counsel of record by depositing a copy of same in the United States mail, regular delivery, postage prepaid at Harrisburg, Pennsylvania, addressed as follows:

Richard Oare, Esquire
1434 South George Street
York, PA 17403

Louis G. Close, III, Esquire
22 West Pennsylvania Avenue
Suite 300
Towson, MD 21204

B. Craig Black, Esquire
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Joseph A. Ricci, Esquire